



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,620	07/06/2000	Patrick H. Hayes	81230.55US1	6836
34018	7590	08/09/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			LESPERANCE, JEAN E	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,620

Applicant(s)

HAYES ET AL.

Examiner

Jean E Lesperance

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 6, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s):

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment filed July 6, 2005 is entered and claims 49 to 75 are pending.
2. The rejection 112 first and second paragraphs of claim 49-72 are withdrawn.

Drawings

3. This application has been filed with informal drawings which are acceptable for Claim examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 49, 50, 52, 53, 55-63, 65-67 and 70-75 are rejected under 35 USC 102

(e) as being unpatentable over US Patent # 6,040,829 ("Croy et al.').

As per claim 49, Croy et al. teach a remote control operable with a consumer electronic device (a remote device Fig.2 (200)), the remote comprising:

a plurality of keys including navigation keys that are activatable to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media playable on the consumer electronic device (a remote device Fig.3A (200) which includes a plurality of function keys Fig.3A (310 and 311));

storage means for monitoring activations of the keys (the microcontroller Fig.2 (220) performs a lookup to determine (monitor) the current mode and status corresponding to the depressed key using internal tables stored in memory 222) and for automatically storing a sequence of activations of the keys including the navigation keys during a process while also comprises the keys being activated to transmit command codes to navigate the menu of the digital media (and as user viewing and selection habits change, the PN 200 adapts itself to the user automatically by tracking current user selection (column 8, lines 22-24)); and

means for repeating or executing the stored sequence of activations of the keys to thereby cause a retransmission to the consumer electronic device of command codes corresponding to those activations of the keys that are within the store sequence (a menu selection is provided by the PN 200, which allows the user to activate the menu hierarchy from the top. In this way, the user can go all the way back to the beginning and begin a new sequence of function selections and submenu display (column 7, lines 62-67) and Once a user has performed the selection process, such as the selection of a particular personal preference, one single time and named the sequence of selections, e.g., MUSIC, the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the

preselected user preferences (column 18, lines 41-47)) and remote interface 138 may be a conventional infrared (IR) link with a corresponding interface transmitter/receiver 210 within remote device 200 corresponding to a transmitter providing communication with the consumer electronic device in response to activation of at least one of the keys.

As for claim 50, Croy et al. teach means for removing activations of non navigation keys from the stored sequence and wherein the instructions further provide for commanding the consumer electronic device to display primary material provided on the removable medium (a marked program may be selected and additional information requested or programmed into the VCR. Additionally, a delete softkey allows removal of the marked program from the list if it is not of interest anymore. Marked programs of the past may be automatically deleted (column 19, lines 23-28)).

As per claim 52, Croy et al. teach a remote control operable with a consumer electronic device (a remote device Fig.2 (200)), the remote comprising:

a plurality of keys including navigation keys that are activatable to transmit to the consumer electronic command codes for commanding the consumer electronic device to navigate a menu of a digital media playable on the consumer electronic device (a remote device Fig.3A (200) which includes a plurality of function keys Fig.3A (310 and 311));

storage means for monitoring activations of the keys (the microcontroller Fig.2 (220) performs a lookup to determine (monitor) the current mode and status corresponding to the depressed key using internal tables stored in memory 222) and

Art Unit: 2674

for automatically storing a sequence of activations of the keys including the navigation keys when used to transmit command codes to navigate the menu of the digital media (and as user viewing and selection habits change, the PN 200 adapts itself to the user automatically by tracking current user selection (column 8, lines 22-24)); and

means for repeating or executing the stored sequence of activations of the keys during a process which also comprises the keys being activated to transmit to the consumer electronic to thereby cause a retransmission of command codes corresponding to those activations of the keys that are within the store sequence (a menu selection is provided by the PN 200, which allows the user to activate the menu hierarchy from the top. In this way, the user can go all the way back to the beginning and begin a new sequence of function selections and submenu display (column 7, lines 62-67) and Once a user has performed the selection process, such as the selection of a particular personal preference, one single time and named the sequence of selections, e.g., MUSIC, the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 41-47)) and remote interface 138 may be a conventional infrared (IR) link with a corresponding interface transmitter/receiver 210 within remote device 200 corresponding to a transmitter providing communication with the consumer electronic device in response to activation of at least one of the keys.

As for claim 53, Croy et al. teach means for removing activations of non navigation keys from the stored sequence and wherein the instructions further provide for commanding the consumer electronic device to display primary material provided

on the removable medium (a marked program may be selected and additional information requested or programmed into the VCR. Additionally, a delete softkey allows removal of the marked program from the list if it is not of interest anymore.

As for claim 55, Croy et al. teach once a user has performed the selection process, such as the selection of a particular personal preference, one single time and named the sequence of selections, e.g., MUSIC, the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 41-47) corresponding to wherein the means for executing a subset of the sequence is responsive to activation of a single key.

As for claim 56, Croy et al. teach a back function Key (Fig. 3A) that can be activated by the user to navigate corresponding to the single key is predetermined and wherein activation of a single key allows a user to execute the stored sequence.

As per claim 57, Croy et al. teach a remote control operable with a consumer electronic device (a remote device Fig.2 (200)), the remote comprising:

a plurality of keys including navigation keys that are activatable to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media playable on the consumer electronic device (a remote device Fig.3A (200) which includes a plurality of function keys Fig.3A (310 and 311));

storage means for monitoring activations of the keys (the microcontroller Fig.2 (220) performs a lookup to determine (monitor) the current mode and status corresponding to the depressed key using internal tables stored in memory 222) and

Art Unit: 2674

for automatically storing a sequence of activations of the keys including the navigation keys when used to transmit command codes to navigate the menu of the digital media (and as user viewing and selection habits change, the PN 200 adapts itself to the user automatically by tracking current user selection (column 8, lines 22-24)); and

means for repeating or executing the stored sequence of activations of the keys to thereby cause a retransmission of command codes corresponding to those activations of the keys that are within the store sequence (a menu selection is provided by the PN 200, which allows the user to activate the menu hierarchy from the top. In this way, the user can go all the way back to the beginning and begin a new sequence of function selections and submenu display (column 7, lines 62-67) and Once a user has performed the selection process, such as the selection of a particular personal preference, one single time and named the sequence of selections, e.g., MUSIC, the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 41-47)) and remote interface 138 may be a conventional infrared (IR) link with a corresponding interface transmitter/receiver 210 within remote device 200 corresponding to a transmitter providing communication with the consumer electronic device in response to activation of at least one of the keys.

As for claim 58, Croy et al. teach wherein the user activations of the keys commands the consumer electronic device to navigate the secondary material to a desired screen and executing the stored sequence commands the consumer electronic device to again navigate to the desired screen and wherein executing the stored

sequence commands the consumer electronic device to display each screen that was displayed when the sequence of user activations was sensed (the memory in the PN 200 is limited, so only a certain amount of information (program data and additional information related to the programs) can be stored in the PN 200. Most people do not regularly watch all television channels, but use only, say ten channels, for example. In this case, the PN 200 may store additional information on the transmissions of these ten often viewed channels and less information on the other channels that are seldom viewed (column 8, lines 14-21)).

As for claim 59, Croy et al. teach wherein the user activations of the keys commands the consumer electronic device to navigate the secondary material to a desired screen and executing the stored sequence commands the consumer electronic device to again navigate to the desired screen and wherein executing the stored sequence commands the consumer electronic device to display each screen that was displayed when the sequence of user activations was sensed (the memory in the PN 200 is limited, so only a certain amount of information (program data and additional information related to the programs) can be stored in the PN 200. Most people do not regularly watch all television channels, but use only, say ten channels, for example. In this case, the PN 200 may store additional information on the transmissions of these ten often viewed channels and less information on the other channels that are seldom viewed (column 8, lines 14-21)).

As for claim 60, Croy et al. teach wherein executing the stored sequence commands the consumer electronic device to display the last screen that was

Art Unit: 2674

displayed when the sequence of user activations was sensed (The PN 200 includes a selection for invoking a "Back" function, which causes the PN 200 to redisplay a previous submenu. In this manner, the user may "undo" a current selection by using the "Back" selection to go back to a previous menu and making another selection. In addition, a "Menu" selection is provided by the PN 200, which allows the user to activate the menu hierarchy from the top. In this way, the user can go all the way back to the beginning and begin a new sequence of function selections and submenu displays (column 7, lines 58-67)).

As for claim 61, Croy et al. teach means for removing activations of non navigation keys from the stored sequence and wherein the instructions further provide for commanding the consumer electronic device to display primary material provided on the removable medium (a marked program may be selected and additional information requested or programmed into the VCR. Additionally, a delete softkey allows removal of the marked program from the list if it is not of interest anymore.

As for claim 62, Croy et al. teach wherein executing the stored sequence commands the consumer electronic device to display the last screen that was displayed when the sequence of user activations was sensed (The PN 200 includes a selection for invoking a "Back" function, which causes the PN 200 to redisplay a previous submenu. In this manner, the user may "undo" a current selection by using the "Back" selection to go back to a previous menu and making another selection. In addition, a "Menu" selection is provided by the PN 200, which allows the user to activate the menu hierarchy from the top. In this way, the user can go all the way back

to the beginning and begin a new sequence of function selections and submenu displays (column 7, lines 58-67)).

As for claim 63, Croy et al. teach means for removing activations of non navigation keys from the stored sequence and wherein the instructions further provide for commanding the consumer electronic device to display primary material provided on the removable medium (a marked program may be selected and additional information requested or programmed into the VCR. Additionally, a delete softkey allows removal of the marked program from the list if it is not of interest anymore.

As for claim 65, Croy et al. teach The PN 200 includes a selection for invoking a "Back" function, which causes the PN 200 to redisplay a previous submenu. In this manner, the user may "undo" a current selection by using the "Back" selection to go back to a previous menu and making another selection. In addition, a "Menu" selection is provided by the PN 200, which allows the user to activate the menu hierarchy from the top. In this way, the user can go all the way back to the beginning and begin a new sequence of function selections and submenu displays (column 7, lines 58-67) corresponding to wherein the instructions further perform the step of identifying the start and end points of the sequence.

As to claim 66, Croy et al. teach wherein activation of a single key allows a user to execute the stored sequence and wherein storing the sequence occurs in response to activating a predetermined key and wherein activation of the predetermined key also allows a user to execute the stored sequence (a user may simply press recall and

Art Unit: 2674

MUSIC to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47)).

As for claim 67, Croy et al teach a list of programs corresponding to the user selection that is displayed and processing flow loops back to the processing block 410 where microcontroller 220 waits for the next user function key activation (column 11, lines 17-21) corresponding to wherein the instructions further perform the step of preventing memory overflow.

As to claim 70, Croy et al. teach wherein activation of a single key allows a user to execute the stored sequence and wherein storing the sequence occurs in response to activating a predetermined key and wherein activation of the predetermined key also allows a user to execute the stored sequence (a user may simply press recall and MUSIC to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47)).

As to claim 71, Croy et al. teach wherein activation of a single key allows a user to execute the stored sequence and wherein storing the sequence occurs in response to activating a predetermined key and wherein activation of the predetermined key also allows a user to execute the stored sequence (a user may simply press recall and MUSIC to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47)).

As to claim 72, Croy et al. teach wherein activation of a single key allows a user to execute the stored sequence and wherein storing the sequence occurs in response to activating a predetermined key and wherein activation of the predetermined key also

Art Unit: 2674

allows a user to execute the stored sequence (a user may simply press recall and MUSIC to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47)).

As to claim 73, Croy et al. teach the transmission data can be two-way (both the base station 100 and the remote device 200 have IR transmitters and IR receivers (column 4, lines 15-19) corresponding to a bi-directional communication system; a microcontroller Fig.2 (220) corresponding to a processor connected to the communication system; and a list of program(s) corresponding to the user selections is displayed and processing flow loops back to processing block 410 where microcontroller 220 waits for the next user function key activation (column 11, lines 17-21) and a flow diagram illustrates a processing logic performed with a remote device 200 when a function key 230 is activated. In processing block 410, microcontroller 220 waits for user interaction with one of the function keys 230. When a user presses one of the function keys 230, microcontroller 220 receives the key activation in processing block 415. For example, the user may have entered a key activation corresponding to a "type" menu item. In processing block 420, microcontroller 220 scans the function key matrix 230 either directly or indirectly through a specialized integrated circuit (column 10, lines 53-63) corresponding to programming operable with the processor and the bi-directional communication system for receiving data from the player used to define navigation commands that are transmittable to the player for controlling navigation within the menu system and for storing a sequence of the navigation commands for subsequent transmission to the player.

As for claim 74, Croy et al. teach the programming is adapted to process preprogrammed sequences of data transmitted by the player and wherein the programming is adapted to define a plurality of keys based upon the data received from the player (Remote device 200 includes a base station interface 210 for receiving and transmitting data with the base station 100. As described above, base station interface 210 may be a conventional IR or RF wireless data interface or a conventional hard-wired data connection. Data received by remote device 200 via base station interface 210 is fed to microcomputer 220 within remote device 200. Microcomputer 220 may then store this information in memory 222. Memory 222 may be a conventional dynamic random access memory (DRAM), a static random access memory (SRAM), or a non-volatile form of memory such as flash memory or battery-backed CMOS memory (column 5, lines 3-15) and a list of program(s) corresponding to the user selections is displayed and processing flow loops back to processing block 410 where microcontroller 220 waits for the next user function key activation (column 11, lines 17-21)).

As for claim 75, Croy et al. teach the programming is adapted to process preprogrammed sequences of data transmitted by the player and wherein the programming is adapted to define a plurality of keys based upon the data received from the player (Remote device 200 includes a base station interface 210 for receiving and transmitting data with the base station 100. As described above, base station interface 210 may be a conventional IR or RF wireless data interface or a conventional hard-wired data connection. Data received by remote device 200 via base station

interface 210 is fed to microcomputer 220 within remote device 200. Microcomputer 220 may then store this information in memory 222. Memory 222 may be a conventional dynamic random access memory (DRAM), a static random access memory (SRAM), or a non-volatile form of memory such as flash memory or battery-backed CMOS memory (column 5, lines 3-15) and a list of program(s) corresponding to the user selections is displayed and processing flow loops back to processing block 410 where microcontroller 220 waits for the next user function key activation (column 11, lines 17-21)).

Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51, 54, 64, 68 and 69 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent # 6,040,829 ("Croy et al.") in view of U.S. Patent #. 6,289,165 ("Abecassis")

As for claim 51, Croy et al. teach a remote device Fig.2 (200) corresponding to a remote control and a memory 222 corresponding to the storing means comprises means for storing a time that elapses between activations of two keys within a sequence. As a result of activation of the function key corresponding to the selection of an hour, a message is displayed to the user prompting the user to enter the time and

confirm the time entry as shown in FIG. 21. The user may then enter the time using number keys or alternatively using a special numeric softkey menu. The user then confirms the time entry using function keys available on remote device Fig.2 (200). Accordingly, Croy et al. teach all the claimed limitations as recited in claims 51, 54, and 64 with the exception of providing inter-key pause times.

However, Abecassis teaches the computing and storage capabilities of multimedia player, a voice response subsystem option accommodating at least the few commands, such as play, stop (pause), required to control the basic operations can additionally be provided (column 9, lines 12-16) corresponding to the inter-key pause times.

Therefore, it would have been obvious to utilize the pause key as taught by Abecassis in the remote device disclosed by Croy et al. because this would provide a video's foreground and background audio elements to provide audio during a video pause.

As for claim 54, Croy et al. teach a remote device Fig.2 (200) corresponding to a remote control and a memory 222 corresponding to the storing means. As a result of activation of the function key corresponding to the selection of an hour, a message is displayed to the user prompting the user to enter the time and confirm the time entry as shown in FIG. 21. The user may then enter the time using number keys or alternatively using a special numeric softkey menu. The user then confirms the time entry using function keys available on remote device Fig.2 (200). Accordingly, Croy et al. teach all

Art Unit: 2674

the claimed limitations as recited in claims 51, 54, and 64 with the exception of providing inter-key pause times.

However, Abecassis teaches the computing and storage capabilities of multimedia player, a voice response subsystem option accommodating at least the few commands, such as play, stop (pause), required to control the basic operations can additionally be provided (column 9, lines 12-16) corresponding to the inter-key pause times.

Therefore, it would have been obvious to utilize the pause key as taught by Abecassis in the remote device disclosed by Croy et al. because this would provide a video's foreground and background audio elements to provide audio during a video pause.

As for claim 64, Croy et al. teach a remote device Fig.2 (200) corresponding to a remote control and a memory 222 corresponding to the storing means. As a result of activation of the function key corresponding to the selection of an hour, a message is displayed to the user prompting the user to enter the time and confirm the time entry as shown in FIG. 21. The user may then enter the time using number keys or alternatively using a special numeric softkey menu. The user then confirms the time entry using function keys available on remote device Fig.2 (200). Accordingly, Croy et al. teach all the claimed limitations as recited in claims 51, 54, and 64 with the exception of providing inter-key pause times.

However, Abecassis teaches the computing and storage capabilities of multimedia player, a voice response subsystem option accommodating at least the few

commands, such as play, stop (pause), required to control the basic operations can additionally be provided (column 9, lines 12-16) corresponding to the inter-key pause times.

Therefore, it would have been obvious to utilize the pause key as taught by Abecassis in the remote device disclosed by Croy et al. because this would provide a video's foreground and background audio elements to provide audio during a video pause.

As for claim 68, Abecassis teaches the remote control is operable with a digital video disc player and the instructions further perform the step of determining if the remote control is a DVD mode (a remote control 200 that has a DVD mode (Fig.2)).

As for claim 69, Abecassis teaches the remote control is operable with a digital video disc player and the instructions further perform the step of determining if the remote control is a DVD mode (a remote control 200 that has a DVD mode (Fig.2)).

Response to Amendment

7. Applicant's arguments filed July 6, 2005 have been fully considered but they are not persuasive. The applicant asserted that Croy fails to disclose, teach, or suggest monitoring activations of the keys and automatically storing a sequence of activations of the keys including the navigation keys while the keys are being concurrently activated to transmit command codes to navigate the menu of the digital media. Examiner disagrees with the applicant because the prior art, Croy, teaches microcontroller 220 performs a lookup to determine the current mode and status corresponding to the depressed key

Art Unit: 2674

using internal tables stored in memory 222. Using these tables, microcontroller 220 identifies a next step to perform in response to the key depression. For example, microcontroller 220 may display a submenu on the opposite side of the screen display on display device 240. This submenu would correspond to the menu item selected by the user (column 11, lines 1-8) corresponding to monitoring activations of the keys and automatically storing a sequence of activations of the keys including the navigation keys while the keys are being concurrently activated to transmit command codes to navigate the menu of the digital media, except for the underlying part because it is considered as new matter. There is not enablement of the underlying part in the specification. The applicant argued that Croy does not mention nor does Croy infer that commands are transmitted from the remote control to a controlled device while the user is interacting with the locally displayed menu in this programming mode. Examiner disagrees with the applicant because the prior art teaches microcontroller 220 waits for user interaction with one of the function keys 230. When a user presses one of the function keys 230, microcontroller 220 receives the key activation in processing block 415 (column 10, lines 56-59). The above limitation "the user is interacting with the locally displayed menu in this programming mode" that the applicant mentioned the prior art does not teach, was not even mentioned in any of the claim. The applicant respectfully questions how a "marked program" in a locally displayed menu can be said to correspond to a "non-navigation key" which is activated as part of a sequence used to transmit command codes to a consumer electronic device for the purpose of navigating a digital media on that consumer electronic device. Examiner disagrees with the applicant because the

prior art teach the present invention also includes a "Mark" function that allows the user to mark particular programs and to be reminded of the imminent broadcast of a marked program or programs. This feature is described in more detail below in connection with FIGS. 44-46 where the marked program is just a reminder or "non-navigation key". The Applicant additionally takes this opportunity to question how the voice response subsystem of Abecassis which accommodates commands such as play, stop, and pause can be said to correspond to the claimed means for storing inter-pause key times, i.e., the time between actuations of keys in a sequence. More specifically, the Applicant respectfully submits that a voice response subsystem functions, by definition, to use voice input for the purpose of eliminating the actuation of keys and, therefore, inter-key pause times could never even arise for the simple reason that keys are never actuated. Examiner disagrees with the applicant comments because there is a inter-pause key times when commands such as play, stop and pause are activated one after another. The applicant argues that Croy fails to disclose the claimed "programming...for receiving data from the player used to define navigation commands that are transmittable to the player for controlling navigation within the menu system (of the media player) and for storing a sequence of the navigation command for subsequent transmission to the player." Examiner disagrees with the applicant because the prior art teaches a set of menu displays illustrate the operation of the present invention for saving an often used course of selection or for storing personal preferences. As an initial step to invoke this functionality, the user selects menu item 3810 using function key 3805. The result of this user action is illustrated in FIG. 39. The save function

allows a user to record a sequence of user function key activations and associate a name with the particular sequence of actions. Once a user has performed the selection process, such as the selection of a particular personal preference, one single time and named the sequence of selections, e.g., MUSIC, the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences. As described below, the user can delete a personal preference not needed any longer (column 18, lines 33-48). Therefore, the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

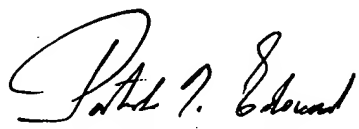
Art Unit: 2674

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance

Date 8/4/2005

Art Unit 2674



PAUL N. EDOUARD
SENIOR PATENT EXAMINER